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ATTACH A

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November 3, 2008

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VIA ELECTRONIC MAIL

Mr. Jeremy Hurlbutt
City of Rockville
111 Maryland Avenue
Rockville, Maryland 20850

Re: Fallsgrove West; Detailed Application CPD2006-0004AC
Boundary Line Adjustment

Dear Mr. Hurlbutt:

By letter dated June 19, 2008, RCP/NBF Key Research, LLC (the Applicant under the above-referenced Detailed Application) requested Mayor and Council approval of a boundary line adjustment between the property subject to the Detailed Application and that owned by the City of Rockville (original letter attached). The Applicant has since revised the scope of the adjustment and resulting land transfer, minimizing the property involved, and submits a revised property description (also attached, labeled "October 2008" in the right corner).

As described in the previous letter, to effectuate the lot line adjustment, the Applicant proposes deeding to the City approximately 650 square feet of land in exchange for the City's transfer of an equivalent amount of land to the Applicant. None of the property contemplated for the transfer is currently subject to any easements or other obligations.

Based on our research, there is no obvious rationale for the location of the lot line in this area. In other areas, the lot line follows the forest conservation easement or other environmental buffer, but here there is no such limitation. Straightening out the lot line in this area allows for a more efficient site design, particularly with respect to the parking area.

The Concept Plan approval contemplates such minor "boundary modifications"¹ (Section III(c), page 12). Although the Concept Plan Approval gives authority to the Planning Commission to approve such minor land use boundary line adjustments, in this case Mayor and Council approval is required since it will require land transfer from and to the City. The

¹In this case, the land use boundary adjustment involves the commercial and parkland land uses.

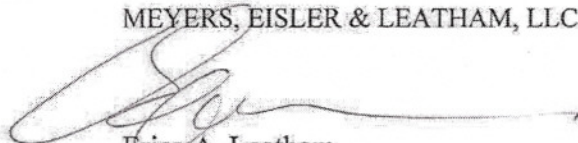
adjustment is legitimately minor based on the amount of land involved: the total square footage involved totals less than one-tenth of one percent of the total land area in the Fallsgrove community.

The City is unaffected by the boundary line adjustment, it neither gains nor loses land area or protected resources. The City does, however, benefit from lot line adjustment by allowing higher quality development to occur on the Applicant's property. In addition, the Applicant has agreed to amend the existing Forest Conservation Easement near the new Thomas Farm Community Center to the City's specifications in an effort to provide additional value to the City.

Please do not hesitate to contact me if you need any additional information.

Sincerely,

MEYERS, EISLER & LEATHAM, LLC



Erica A. Leatham

Enclosure

cc: Sondra Block, Esquire
Mr. Jim Wasilak
Mr. Wayne Noll
Ms. Elise Cary
Mr. John T. Kenney
Mr. Josh Firebaugh
Mr. Jef Fuller
Ms. Karen Carpenter

